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11 Twitter, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

16 JOHN DOE #1 AND JOHN DOE #2,
17 Plaintiffs,
18 v.
19 TWITTER, INC.,
20 Defendant.

Case No. 3:21-cv-00485-JCS

**STIPULATION AND [PROPOSED] ORDER ON
DEFENDANT TWITTER INC.'S MOTION FOR
LEAVE TO FILE RECONSIDERATION OR, IN
THE ALTERNATIVE, MOTION FOR
CERTIFICATION AND BRIEFING SCHEDULE**

Judge: Hon. Joseph C. Spero
Trial Date: Not yet set

1 Pursuant to Civil Local Rules 6-1, 6-2 and 7-12, Plaintiffs John Doe #1 and John Doe #2
 2 (“Plaintiffs”), and Defendant Twitter, Inc. (“Twitter”) (together, with Plaintiffs, the “Parties”),
 3 hereby agree and stipulate to the following briefing schedule for Twitter’s motion for leave to file
 4 a motion for reconsideration or, in the alternative, motion for certification for interlocutory appeal
 5 under 28 U.S.C. § 1292(b) (“Motion”) and that good cause exists to request an order from the Court
 6 for a brief extension of Twitter’s time to file a reply in support of its Motion.

7 **RECITALS**

8 WHEREAS, the above-captioned action was first filed on January 20, 2021;

9 WHEREAS, Plaintiffs filed the FAC on April 7, 2021;

10 WHEREAS, the Court granted in part and denied in part Twitter’s motion to dismiss the
 11 First Amended Complaint on August 19, 2021 (“Order”);

12 WHEREAS, since the Court issued its Order, the Parties have engaged in ongoing
 13 discussions regarding coordination of their potential appellate options;

14 WHEREAS, on September 13, 2021, Plaintiffs’ counsel advised Twitter’s counsel that they
 15 did not intend to seek reconsideration or appeal of the Order;

16 WHEREAS, Twitter intends to file its Motion on October 4, 2021;

17 WHEREAS, Plaintiffs intend to file an opposition to the Motion on October 18, 2021 as
 18 permitted under Local Rule 7-3;

19 WHEREAS, under Local Rule 7-3, Twitter’s reply would be due on October 25, 2021;

20 WHEREAS, lead counsel for Twitter will be in trial beginning on October 4, 2021 and
 21 which is expected to last through at least the end of October;

22 WHEREAS, the Parties have agreed that good cause exists to permit Twitter an additional
 23 seven (7) days beyond what is provided under Local Rule 7-3 to file its reply;

24 WHEREAS, the Parties have previously requested and the Court has granted an extension
 25 on the Initial Case Management Conference and a stipulated briefing schedule on Twitter’s motion
 26 to dismiss the FAC;

27 WHEREAS, the Parties have previously requested and the Court has granted a two-week
 28 extension for Twitter to file its Answer to the FAC;

1 WHEREAS, the Parties have previously requested an additional six-day extension for
2 Twitter to file its Answer to the FAC which is currently pending before the Court;

3 WHEREAS, a further Case Management Conference in this matter is set for November 5,
4 2021;

5 WHEREAS, the Parties have conferred and agree that continuing the Case Management
6 Conference will allow the Court the benefit of the full briefing on the remaining issues in the case;

7 WHEREAS, this modification would not affect the case schedule as none has been entered;

8 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties hereto,
9 through their undersigned counsel, as follows:

- 10 1. Twitter shall file and serve its motion for leave to file a motion for reconsideration
11 or, in the alternative, certification for interlocutory appeal under 28 U.S.C. § 1292(b)
12 of the Order on October 4, 2021;
- 13 2. Plaintiffs shall file their opposition on October 18, 2021;
- 14 3. Twitter shall file its reply on November 1, 2021; and

15 FURTHER, the Parties request that if the Court decides that the matter warrants a hearing,
16 the hearing for Defendant's anticipated Motion be scheduled for November 19, 2021 and the Case
17 Management Conference be reset to the same date as the Motion hearing, with an Initial Case
18 Management Statement due on November 12, 2021.

19
20 **IT IS SO STIPULATED.**

21 Dated: September 16, 2021

COOLEY LLP

22 /s/ Michael G. Rhodes

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STIP. & [PROPOSED] ORDER ON DEF'S MOT.
FOR LEAVE TO FILE REC./CERT.
CASE NO. 3:21-CV-00485-JCS

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6 *Attorneys for Defendant Twitter, Inc.*

7 Dated: September 16, 2021

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ATTESTATION

Filer's Attestation: Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, Linh
Nguyen hereby attests that concurrence in the filing of this document has been obtained.

Dated: August 31, 2021

COOLEY LLP

/s/ Linh K. Nguyen
Linh K. Nguyen

Attorneys for Defendant Twitter, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

HON. JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE